

Notice of Allowability

Application No.

09/834,622

Examiner

Keith Hendricks

Applicant(s)

FERRARINI, ROBERTO

Art Unit

1761

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of June 08, 2005.

2. ☒ The allowed claim(s) is/are 1,4-7 and 18-²²~~28~~.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☒ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anne Kombau on September 20, 2005.

The application has been amended as follows.

In the specification:

- Page 1, line 1: Please amend the title to read as follows:
--- Method for tartaric stabilization of wine ---.
- Page 4, line 3: after "sole figure", please insert the phrase -- Figure 1 --.

In the claims:

- **Please cancel non-elected apparatus claims 8-16.**

Please amend claim 18 to read as follows:

Claim 18. A method for tartaric stabilization of wine comprising the following steps;

- a. Placing the wine to be treated into an appropriate container;
- b. Conveying the wine to a filtering unit;
- c. Subjecting the wine contained in said filtering unit to a nanofiltration process through a nanofiltration membrane, thereby obtaining a permeated liquid and a retained liquid;
- d. Transferring said permeated liquid to a tartaric stabilization unit;
- e. Subjecting said permeated liquid to a tartaric stabilization phase by means of the tartaric stabilization unit to obtain a treated liquid, wherein said tartaric stabilization treatment phase includes acting on the permeated liquid with an ionic exchange resin, which cationic or anionic ionic exchange resin reduces the potassium ion content [of] or the tartrate ion content of the permeated liquid; and
- f. Reuniting the treated liquid with said retained liquid to obtain a stabilized wine.

The following is an examiner's statement of reasons for allowance:

The current method claims 1, 4-7 and 18-23 are free of the prior art of record. There is no single prior art reference method which teaches the specifically-claimed steps for tartaric stabilization of wine, comprising both the use of a nanofiltration membrane to obtain a permeated liquid and a retained liquid, and subjecting the permeated liquid to a cationic or anionic exchange resin or to electrodialysis, "thereby reducing the potassium or tatrare content of the permeate liquid, and finally, combining said retained liquid with the treated permeate liquid. The closest prior art previously relied upon, Smith (US PAT 5,480,665), utilizes a combination of a reverse osmosis (RO) membrane and ion exchange membrane, which removes volatile acidity such as ethyl acetate and acetic acid, from the wine. "The result is wine with the volatile acidity and little else removed" (abstract). There is no mention or suggestion for substituting the reverse osmosis membrane with a nanofiltration membrane, particularly for tartaric stabilization and reducing the potassium or tatrare content of wine. While certain protocols in this or other arts replace RO membranes with nanofiltration membranes or vice-versa, these are not utilized within the same application or combination with ionic exchange membranes or electrodialysis; nor is there any suggestion to select and utilize such combinations for the specifically-claimed method, and providing the claimed results. See also applicant's response of June 08, 2005.

The prior art currently made of record and not relied upon is considered pertinent to applicant's disclosure. Guilhem (US PAT 4,806,244) provides an apparatus comprising both a nanofiltration membrane means and an ion exchange resin, for the selective removal of ions such as sulfates and nitrates from liquid streams, in particular water treatment. However, there is no mention or suggestion of the use of such an apparatus for the tartaric stabilization of wine, nor more specifically, for selecting particular membranes for reducing the potassium or tatrare content of wine.

Art Unit: 1761

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith Hendricks whose telephone number is (571) 272-1401. The examiner can normally be reached on M-F (8:30am-6pm); First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KEITH HENDRICKS
PRIMARY EXAMINER